

REMARKS

Independent claim 1 is amended to include the limitations of claim 4, which is now canceled, and independent claims 13 and 14 are similarly amended. Claims 2, 3, 5, 9, 11, 15, and 16 are also canceled. The amendments to the claims are made for purposes of expediting prosecution, and applicants reserve the right to pursue subject matter of the original claims (prior to amendment) and subject matter of the canceled claims in subsequent prosecution.

The amendments to the claims should not necessitate a new search because the combination of limitations as presented in the amended independent claims and the claims depending therefrom have already been presented for examination. Claims 1, 6-8, 10, and 12-14 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

The traversals of the claim rejections of the Office Action dated May 17, 2005 and the arguments presented in response to those rejections as set forth in the paper dated August 17, 2005 are maintained and incorporated by reference in this response and are supplemented below.

The Office Action fails to show that claims 1-6, 8-11 and 13-16 are anticipated by US Patent Publication 2001/0010056 to Nishigaya et al. ("Nishigaya") under 35 USC §102(e). The rejection is respectfully traversed because the Office Action fails to show that all the limitations of the claims are taught by Nishigaya.

The limitations of independent claim 1, which is amended to include the limitations of claim 4, include defining in the pattern database a plurality of pattern definitions and response definitions, each pattern definition being associated with one or more associated response definitions, and one or more of the response definitions including one or more commands and one or more instructions, wherein each of the one or more instructions specifies queuing of a command to a designated one of the command queues, and for each pattern definition that matches a received message character string and in response to an instruction associated with the pattern definition and that designates a selected command queue, adding the command specified by the

instruction to the selected command queue. These limitations are clearly not shown to be taught by Nishigaya.

For example, the pattern definitions include one or more of the response definitions including both one or more commands and one or more instructions. Each instruction specifies queuing of a command to a designated one of a plurality of command queues.

Nishigaya is not shown to teach instructions in combination with the commands. Nishigaya's actions are put in an action list without any specification by an instruction [0069]. Furthermore, Nishigaya has no apparent specification of one of a plurality of command queues by the instructions.

Claim 1 includes additional limitations of, for a pattern definition that matches a command prompt message character string from the data storage system, dequeuing commands from the command queues in order of the priority levels of the command queues and submitting the commands to the data storage system. It is respectfully submitted that the cited paragraph [0075] of Nishigaya contains no apparent reference to a command prompt message character string. There is no element in this paragraph that in any apparent manner corresponds to the claimed command prompt message character string as would be understood to those skilled in the art. Thus, these and related limitations are not shown to be taught by Nishigaya. Further explanation is respectfully requested if the rejection is maintained. Otherwise, the rejection should be withdrawn.

Claims 13 and 14 include limitations similar to those of claim 1, and claims 6, 8, 10, and 14 depend from the claims discussed above. Therefore, claims 6, 8, 13 and 14 are not shown to be anticipated for at least the reasons set forth above.

Claims 2, 3, 5, 9, 15, and 16 are canceled, and the rejection of these claims is moot.

The rejection of claims 1, 6, 8, 13, 14 should be withdrawn because the limitations are not shown to be taught by Nishigaya.

The Office Action does not establish that claims 7 and 12 are unpatentable under 35 USC §103(a) over Nishigaya as applied to claims 1-6, 8-11 and 13-16 above,

and in view of “Li” (U.S. Patent No. 6,374,207 to Li et al.). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references, fails to provide a proper motivation for modifying the teachings of Nishigaya with teachings of Li, and fails to show that the combination could be made with a reasonable likelihood of success.

The Office Action fails to show that Nishigaya teaches the limitations of the base claim and intervening claims for claims 7 and 12 as explained above.

The alleged motivation for combining Li with Nishigaya is conclusory and improper. The alleged motivation states that “it would have been obvious ... to implement Nishigaya method employing terminal emulation session to establish a connection between the operation processor and the data storage device, in order to improve the interaction between a client and a resource by allowing accessing and sending command to the resource remotely.” This alleged motivation does not present any evidence that Nishigaya’s system is deficient in any way in the manner of “interaction between a client and a resource.” Nor is any evidence presented to indicate which elements of Nishigaya’s system would be improved. Furthermore, without such evidence it is not apparent that the combination could be made with a reasonable likelihood of success.


The Examiner's response to this states "that Nishigaya does not allow access from a remote location; on the other hand, using terminal emulation application such as telnet is well known in the art for remote accessing [and that] the improvement and likelihood of success are apparent because terminal emulation is a well established application and widely available, and adding terminal emulation would allow remote access to Nishigaya's system from a remote location." This reasoning simply states the function of terminal emulation to support modifying Nishigaya. Once again, there is no evidence presented that suggests how or why terminal emulation would be suitable for Nishigaya's invention, since Nishigaya's invention is already described as being remote accessible ("applicable to distributed-object-oriented platforms such as CORBA, DCOM, and Java RMI" [0003]). Nor is there any evidence that Nishigaya is even amenable to modification with terminal emulation. Thus, the alleged motivation is improper.

The rejection of claims 7 and 12 over the Nishigaya-Li combination should be withdrawn because a *prima facie* case of obviousness has not been established.

No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (USYS.028PA).

Respectfully submitted,

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